

WEST VIRGINIA BROADBAND DEPLOYMENT COUNCIL

Friday, September 12, 2008 @ 2:30 p.m.

The initial meeting of the West Virginia Broadband Deployment Council was held via conference call on Friday, September 12, 2008, at 2:30 p.m.

The following members participated:

Kelley Goes, Chair
Lee Fisher
Keith Fulton
Dr. Jan Fox
Jimmy Gianato
Elaine Harris
The Honorable Marshall Long
Lara Ramsburg
Kyle Schafer, representing Robert Ferguson
The Honorable Dale Stephens

Additional participants:

Jonathan Caldwell, representing Brian Noland
Sonia Chambers
Dr. Jack McClanahan, representing Dr. Steve Paine
Mark Polen

After reaching a quorum, Chair Kelley Goes welcomed the Council and called the meeting to order. The Chair noted that the meeting had been noticed with the Secretary of State and by statute, she would chair the Broadband Deployment Council. Chair Goes stated the next meeting would be face to face, however, a conference call was initiated to move forward with essential administrative items.

Chair Kelley Goes asked the members for comments/questions in regards to their appointment to the Deployment Council. Members voiced that they were pleased to serve on the Council and excited about the task before them. Dr. Jan Fox requested to know who the other members of the Council were and Chair Goes provided a breakdown of the appointments (member list attached). It was pointed out that a member to represent cable operators and broadband equipment or device manufacturers is still pending. Mr. Mark Polen has provided resumes for possible candidates for the Cable appointee, however, an appointment has not been made. The Chair is open to recommendations from the Council for these two vacancies.

Appointments

Without objection from the Council, Chair Goes appointed the Governor's representative, Lara Ramsburg, as vice chair of the Broadband Deployment Council and Sarah Smith as secretary- treasurer. Legislation states the secretary-treasurer appointment need not be a member of the Council. The Chair explained that Ms. Smith had served on the Tiger/Cisco team and was instrumental in putting together teams as well as tracking legislation for the group and was very qualified to serve as secretary-treasurer. In the future, it may be necessary to split the position since the Council will have a lot of work that may require technical expertise.

Discussion of Statute

§31-15C-11 requires a written report by the following state entities to the Council by October 31st of each year:

- Secretary of Administration
- Chancellor of the Higher Education Policy Commission
- Chancellor of the WV Council for Community and Technical College Education
- State Superintendent of Schools
- Chair of the WV Healthcare Authority

Except for the Health Care Authority, who is only required to submit a written report once a year, a written update shall be submitted to the Council within sixty days of any changes or in the next report, whichever date is sooner. Letters were mailed on September 4, 2008, reiterating the reporting deadline of October 31, 2008 (statute attached).

Dr. Jack McClanahan inquired if data is not available, how is it to be reported. The Chair stated if data is not available, she would appreciate identification of what is missing and why – stating that it cannot be measured or the state entity does not want to provide the information. Dr. McClanahan stated it would only not be reported if it was unavailable.

Mr. Jonathan Caldwell remarked that although the requirement for higher education was broad, a survey was sent out and once it is returned, they will attempt to piece the information into a common format and form it into a better format as the Council moves forward.

Proposed Position Description

§31-15C-4 grants the Council power to write a position description for a consultant(s) to assist in the mapping of the state, categorization of areas within the state, and evaluation of project applications. The Council is not required to use existing purchasing laws/procedures but will create a job description and utilize a less formal but

competitive selection process to hire in or out-of-state. The consultant(s) position will be distributed as widely as possible. Chair Goes requested discussion regarding the Council's thoughts in hiring a consultant.

It was noted that as long as a qualified consultant was hired, the abbreviated process would give the Counsel more time to vet or review actual proposals. The Chair encouraged all members of the Council to submit names of individuals that may have knowledge of the industry.

The Council will be notified of where the position is posted, who applies, and the names of the candidates brought in for an interview.

Council supported posting the position using competitive bidding without going through the formal state process.

Chair Goes noted that Mr. Jimmy Gianato consulted Cisco and has drafted a consultant position description. The draft will be sent out to the Council for review via e-mail. Suggested changes need to be provided by the next meeting in order to obtain a vote and sent out immediately. Cisco and Purchasing will be contacted to see that everything necessary is included in the description and obtain suggestions as to sites where it should be posted.

Proposed Legislative Rules (§31-15C-9)

The statute allows for promulgation of emergency rules. As a courtesy, Verizon, with their knowledge of Connected Nation, are drafting rules. They should be available next week. This is not an endorsement, but will be used as a comparison of what needs to be included in the final rules. Legislative rules are to provide guidance – a blueprint on how to comply. A great deal of the legislation does not require legislative rules at all. They will be sent out via e-mail for discussion at the October meeting.

Meeting Dates

Since the Council includes members of the Senate and House, it was suggested that the meetings be held the first Wednesday following monthly interims in the a.m. Chair Goes entertained other meeting dates. With no additional responses, the Chair asked for a motion to hold the meetings the first Wednesday following interims. Mr. Lee Fisher made the motion and Ms. Lara Ramsburg seconded. If someone is unable to attend, the meetings will be available via conference call and eventually through video conferencing.

Without further discussion, a vote was taken and the motion carried (schedule attached).

Other Business

Chair Goes stated she would like to invite various groups currently utilizing broadband to make presentations at upcoming Council meetings. For the October meeting, Mr. Larry Malone will present. He has received an \$8 million rural broadband grant for health care purposes.

A list will be maintained of individuals the Council submits to speak at future meetings. Currently, the list is as follows:

Larry Malone
Alec Ross
Cisco Representative

Mr. Keith Fulton suggested inviting Mr. Kelly Dunn, Founder of Digital Bridge Communications. Mr. Fulton stated Mr. Dunn has connected more rural areas with innovative sustainable technologies than anyone he knows.

Dr. Jan Fox will provide a contact to speak on the topic of cyber education.

If there are other suggestions, please contact Chair Goes (Kelley.m.goes@wv.gov or joan.e.knight@wv.gov) or bring your suggestions to the next meeting.

Public Comment

There was no public comment.

Adjournment

The next meeting will be noticed for October 15, 2008, at 9:00 a.m. The meeting location, call-in number, and agenda will be provided prior to the meeting. Mr. Jimmy Gianato offered the use of Homeland Security and Emergency Management's "Meeting Place System" for conference calls which includes information sharing capability.

With no further business, the meeting adjourned.